

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

This document relates to:
*Broward County, Florida v. Purdue Pharma
L.P., et al.*
Case No. 18-op-45332

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP.,
CARDINAL HEALTH, INC., AND McKESSON CORP.'S
MOTION FOR ORAL ARGUMENT ON MOTION TO DISMISS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) respectfully request that the Court hold oral argument on their Motion to Dismiss Plaintiff’s Second Amended Complaint. Due to the volume and complexity of the issues raised in the parties’ briefing on the motion, oral argument will give the parties an opportunity to explain and clarify their positions and respond to any questions or concerns from the Court to help in the Court’s decision-making process.

This Court has routinely found oral argument to be appropriate and helpful in ruling on motions to dismiss in MDLs or other complex litigation dealing with issues of great public importance. *See, e.g., In re Polyurethane Foam Antitrust Litg.*, 799 F. Supp. 2d 777, 781 (N.D. Ohio 2011); *In re Travel Agent Comm’n Antitrust Litg.*, MDL No. 1561, Case No. 1:03 CV 30000, 2007 U.S. Dist LEXIS 79918, at *6 (N.D. Ohio Oct. 29, 2007).

The Second Amended Complaint is 1,000 paragraphs long and spans 300 pages. Plaintiff asserts ten separate causes of action against Distributors, all of which should be dismissed for the

reasons stated in Distributors' Motion to Dismiss. Further, the Court's resolution of Distributors' Motion to Dismiss will inform the entire docket of more than 900 cases in the MDL and narrow the issues in this litigation significantly. Indeed, that is one reason the Court selected this case for motion practice at this time. Given the importance and complexity of the issues raised, oral argument will assist the Court in ruling on the motions and facilitate the creation of a clear record in this important litigation.

For the foregoing reasons, and for good cause shown, Distributors respectfully request the Court hold oral argument on their Motion to Dismiss.

Dated: July 30, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

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CERTIFICATE OF SERVICE

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart
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